

MINUTE ITEM

This Calendar Item No. C28 was approved as
Minute Item No. 28 by the California State Lands
Commission by a vote of 3 to 0 at its
11/21-06 meeting.

**CALENDAR ITEM
C28**

A 5

11/21/06

PRC 6883

WP 6883.9

S 6

V. Massey

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Stanley J. Stewart and Pamela O. Stewart, as Trustees of The Stewart 2006
Living Trust dated April 10, 2006

AREA, LAND TYPE, AND LOCATION:

0.11 acres, more or less, of sovereign lands in the Sacramento River, adjacent to
the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock,
ramp, and bank protection.

LEASE TERM:

Ten years, beginning May 1, 2007.

CONSIDERATION:

Uncovered floating boat dock and ramp: No monetary consideration pursuant to
Public Resources Code section 6503.5.

Bank Protection: The public use and benefit; with the State reserving the right at
any time to set a monetary rent if the Commission finds such action to be in the
State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On August 26, 1997, the Commission authorized a General Lease -
Recreational and Protective Structure Use to Stanley J. and Pamela O.
Stewart. That lease will expire on April 30, 2007. Subsequently the

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property has been placed in a trust. Stanley J. Stewart and Pamela O. Stewart, as Trustees of The Stewart 2006 Living Trust dated April 10, 2006, are now applying for a new General Lease - Recreational and Protective Structure Use. The Applicants qualify for a rent free uncovered floating boat dock and ramp because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities: Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT

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PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO STANLEY J. STEWART AND PAMELA O. STEWART, AS TRUSTEES OF THE STEWART 2006 LIVING TRUST DATED APRIL 10, 2006, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING MAY 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, RAMP, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK AND RAMP; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

Hand-drawn site plan of a property. The plan is oriented with a north arrow pointing towards the top right. The property is bounded by a street on the left, labeled "SACRAMENTO RIVER FLOW (MILE 24.7)". The street width is 40'. The property width is 100.04'. The property is divided into several sections by a vertical line and a horizontal line. The top section is 25' wide. The bottom section is 25' wide. The middle section is 25' wide. The right section is 25' wide. The plan includes the following features and dimensions:

- Top Section (25' wide):**
 - Left side: "2-MILE DOLPHIN" (25' wide).
 - Center: "6' x 5' STEEL TRUCK" (25' wide).
 - Right side: "4' x 60' STEEL RAMP 1/2\"VT. DECKING" (25' wide).
- Middle Section (25' wide):**
 - Left side: "4' x 60' STEEL RAMP 1/2\"VT. DECKING" (25' wide).
 - Center: "EXISTING HOUSE" (25' wide).
 - Right side: "RIP RAP" (25' wide).
- Bottom Section (25' wide):**
 - Left side: "TOP OF BANK" (25' wide).
 - Center: "TOP OF BANK" (25' wide).
 - Right side: "TOP OF BANK" (25' wide).

The plan also includes a vertical line on the right side, labeled "100.04'". The total width of the property is 100.04'. The plan is titled "PLAN VIEW" at the bottom.

Map Source: USGS

COUNTY OF SACRAMENTO



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VM 9/11/2006